

### REMARKS

Applicant has canceled the claims 1 and 2 without prejudice, amended the claim 3 and added new claim 4. Applicant respectfully submits that these amendments to the claims are supported by the application as originally filed and do not contain any new matter. Accordingly, the Office Action will be discussed in terms of the claims as amended.

The Examiner has rejected the claims 1 through 3 under 35 USC 103 as being obvious over Breeding in view of Blystone stating that Breeding discloses the claimed invention of an ice maker with an ice making section and an electric heater 44, but does not disclose the insulation between the heater and the ice making plate; Blystone teaches an ice mold with an electric heater 15 and insulation 14 between the mold and the heater; and it would have been obvious to provide Breeding with insulation between the heater 44 and the ice making plate in view of the teachings of Blystone. In addition, it is the Examiner's opinion that film-type heaters are well known in the art and a recitation of an insulating layer being bonded to the metal plate by thermo-compression is considered to be a method of assembly which does not have any patentable weight in an apparatus claim.

In reply to this rejection, Applicant has carefully reviewed Breeding and respectfully submits that the heater 44 of Breeding actually comprises resistance wires 42 and 44 which form a grid which is electrically heated by the passage of current therethrough to melt the ice (see column 2, lines 13-16). Still further, the grid wires 42 and 44 are not provided on the plates 22 and are in fact moved towards the plates 22 so that the slab of ice formed thereon is cut into separate cubes (see column 3, lines 22-28). Accordingly, Applicant respectfully submits that the heater comprising the wires 42 and 44 of Breeding is not provided on the metal plate and the heater is not provided in a layer on the metal plate.

Applicant has carefully reviewed Blystone and respectfully submits that in Blystone the heaters 15 are embedded in the ice making trays wherein the ice making trays are made of double walls of sheet metal and the heating elements are insulated from the double walls of sheet metal by being arranged therein and the space filled with an insulating material such as asbestos or mica (see page 1, lines 40-49). Accordingly, Applicant respectfully submits that the heaters 15 of Blystone are not provided in layers on a metal plate and are not provided on the outside of the metal plate.

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In addition, Applicant respectfully submits that neither Blystone nor Breeding teach that the insulating layer would comprise a thermoplastic for bonding the heating means to the metal plate and accordingly do not have the advantages of the present invention, namely the prevention of peeling off of the insulating layer and the heating means from the ice making plate with use.

In view of the above, therefore, Applicant respectfully submits that the claims 3 and 4 are not obvious over Breeding in view of Blystone.

In view of the above, therefore, it is respectfully requested that this amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367.

Respectfully submitted,

By: 

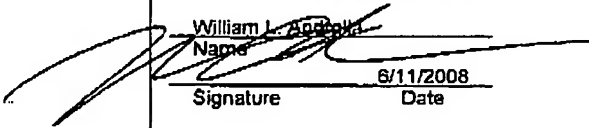
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